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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/990,766 | 11/21/2001 | Stephen John Hinde | B-4398 619336-4 | 1903 |

7590 04/28/2005

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

VO, HUYEN X

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2655

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

111

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/990,766 | HINDE ET AL. | |
| | Examiner | Art Unit | |
| | Huyen Vo | 2655 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16, 19-30, 34, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16, 19-30, 34, and 37-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant has submitted an amendment filed 12/2/2004 arguing to traverse the art rejection based on amended limitations regarding "each user interacts in a common communication session" (*amendment page 11*). Applicant's arguments have been considered but are not persuasive. Allinger fully anticipates this limitation in that when two or more users at a substantially the same location viewing the same exhibit, the system provides the same voice services for the users (*see claim rejection*). The examiner interprets the communication between users and the voice-service system as joining users into communication session. Applicant is advised to clearly specify/define the term "joining the user into a communication session".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Allinger (DE Patent No. 19747745).

4. Regarding claim 1, Allinger discloses a method of voice interaction with a group of one or more entities, comprising: upon a user approaching any entity of the group,

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automatically initiating provision of a group-related voice service to that user by joining the user into a communication session established for the service and common to all users of the voice service (*page 5, line 33 to page 6, line 5*), the voice service being hosted by a voice-service system with each user that is joined to the session communicating with the voice-service system over a respective communication for voice input and output (*page 5, line 33 to page 6, line 5 and referring to figure 1, if two visitors are at the same location at substantially the same time, both visitors would be able to listen to the voice services*); managing the voice service as a single common dialogue interaction with all the users joined to the session, each user hearing at least some of the same voice-service output as all other users (*figure 1, taking the fact that users can move freely through the room (page 4), two or more users can be at the same place viewing the same exhibit at the same time. And thus, the control system 9 would transmit the same voice services regarding that particular exhibit to those users and also. Albuquerque et al. (US 5929848) teach that the exhibits continuously transmit voice services for user device. So, two or more users at substantially same location would be able to receive the same voice services*).

5. Regarding claim 19, Allinger discloses a system for enabling verbal communication on behalf of a group of one or more entities with nearby users, the system comprising: for each user, user-carried equipment comprising an audio output arrangement, an audio input arrangement, and a communications subsystem (*communication unit 4 in figure 1 or page 1, lines 1-12*); a voice service arrangement for

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providing a group-related voice service (*figure 1*), the voice service arrangement comprising: a communications subsystem for establishing respective communication channels with each user-carried equipment for user voice input and voice-service output (*figure 1, elements 9-11, transceiver*), a session control arrangement for joining multiple users into a communication session established for the service and common to all users of the voice service (*figure 1, taking the fact that users can move freely through the room (page 4), two or more users can be at the same place viewing the same exhibit at the same time. And thus, the control system 9 would transmit the same voice services regarding that particular exhibit to those users. Albuquerk et al. (US 5929848) teach that the exhibits continuously transmit voice services for user device. So, two or more users at substantially same location would be able to receive the same voice services*), and a dialogue interaction manager for managing the voice service as a single common dialogue interaction with all users joined to the session whereby to enable such users to contemporaneously hear at least some of the same voice service output (*figure 1, taking the fact that users can move freely through the room (page 4), two or more users can be at the same place viewing the same exhibit at the same time. And thus, the control system 9 would transmit the same voice services regarding that particular exhibit to those users*); a service initiation arrangement for automatically initiating voice service delivery to a user approaching entity of said group by causing said session control arrangement to join the user to the communication session of the voice service with a communication channel being established between the user's equipment and the voice

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service arrangement (*page 5, line 33 to page 6, line 5, initiate appropriate voice services based on user's location and the exhibit being looked at*).

6. Regarding claims 2 and 20, Allinger further discloses a method and system according to claims 1 and 19, wherein the voice service selects voice input from one user at any one time in order to determine its next voice output (*page 3, lines 11-22*).

7. Regarding claim 3, Allinger further discloses a method according to claim 2, wherein users do not hear voice input from other users except for the voice input selected by the voice service (*page 5, each user uses a different communication frequency or codes. Therefore, no interference reception is involved*).

8. Regarding claims 4 and 22, Allinger further discloses a method and system according to claims 2 and 20, wherein the voice service selects the voice input from each user currently joined to the session on a sequential basis (*page 3, lines 11-22, inherently included in the signal intake phrase. If one user spoke a command before another user, the control system would receive the command of the first user before the command of the second user. And thus, the command of the first user is processed before the command of the second user*).

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9. Regarding claims 5 and 23, Allinger further discloses a method and system according to claims 2 and 20, wherein the selected voice input is the first input received in response to a completed voice output turn by the voice service (*page 3, lines 11-20*).

10. Regarding claims 6 and 24, Allinger further discloses a method and system according to claims 2 and 20, wherein the voice service content is divided into sections each comprising at least one voice input and at least one voice output, the user providing the selected voice input being kept the same throughout the delivery of a section (*page 6, line 34 to page 7, line 37*).

11. Regarding claims 8 and 26, Allinger further discloses a method and system according to claims 1 and 19, wherein the service provides voice output specific to a particular entity of said group, this output being provided only to the users near that entity (*pages 5-6*).

12. Regarding claims 10 and 28, Allinger further discloses a method and system according to claims 1 and 19, wherein in step (b) the initiating of service provision is effected by the transfer of service contact data to user equipment carried by the user, the user equipment then using the contact data to contact the voice service over a wireless connection (*figure 1 and pages 5-6*).

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13. Regarding claims 11 and 29, Allinger further discloses a method and system according to claims 1 and 19, wherein in step (b) the initiating of service provision is effected by the transfer of user contact data from user equipment to a receiving device in the vicinity of the entity concerned, the user contact data being passed from the receiving device to the voice service to enable the latter to contact user equipment over a wireless connection (*figure 1 and pages 5-6*).

14. Regarding claims 12 and 30, Allinger further discloses a method and system according to claims 1 and 19, wherein in step (b) the initiating of service provision is effected by determining the relative locations of the user and said entities and initiating the voice service only when the user moves close to a said entity (*pages 5-6*).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allinger (DE Patent No. 19747745).

17. Regarding claims 16 and 34, Allinger further discloses a method and system according to claims 1 and 19, wherein voice service sound output to at least one user joined to the communication session is through multiple sound output devices in the form of headphones worn by the user (*figure 1*), but fails to specifically disclose that the sound output device being controlled in dependence on the relative positions of the user and entity and rotations of user's head so that the sound output appears to emanate from the location of said local entity independently of the user's position and head orientation relative to the entity. However, the examiner takes official notice that surround sound system having a functionality of making sound appears to emanate from the location of the entity/object is well known in the art. One of ordinary skill in the art at the time of invention would modify the teaching of Allinger to include a surround sound system to make voice service more interesting/enjoying for users.

18. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allinger (DE Patent No. 19747745) in view of Scott et al. (WO 00/30329).

19. Regarding claim 9, Allinger discloses the step of recognizing the selected user voice input by using speech recognition (*page 6*), but fails to specifically disclose a method according to claim 1, wherein the voice service is effected by the serving of voice pages in the form of text with embedded voice markup tags to a voice browser of the voice service system, the voice browser interpreting these pages and carrying out speech recognition of selected user voice input, text to speech conversion to generate

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voice output, and dialog management; the voice browser being disposed between a voice page server and an arrangement for selecting voice input from amongst the input received from all users and for distributing to the users the voice output of the voice browser.

However, Scott et al. teach that the voice service is effected by the serving of voice pages in the form of text with embedded voice markup tags to a voice browser, the voice browser interpreting these pages, text to speech conversion to generate voice output, and dialog management; the voice browser being disposed between a voice page server and an arrangement for selecting voice input from amongst the input received from all users and for distributing to the users the voice output of the voice browser (*the operation of IVR Unit in figure 1*).

Since Allinger and Scott et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Allinger by incorporating the teaching of Scott et al. in order to provide audible responses to assist users learning more about the exhibit that he/she is looking at.

20. Regarding claim 27, Allinger further discloses a speech recognizer for carrying out speech recognition of user voice input received as voice signals (page 6), but fails to specifically disclose that the voice service arrangement comprises: a voice page server for serving voice pages in the form of text with embedded voice markup tags; and a voice browser comprising: a dialog manager for effecting dialog control on the basis of

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output from the speech recognizer and pages served by the voice page server; and a text-to-speech converter operative to convert voice pages into voice output signals under the control of the dialog manager; the voice browser being operatively disposed between the voice page server and the session control means.

However, Scott et al. teach that the voice service arrangement comprises: a voice page server for serving voice pages in the form of text with embedded voice markup tags; and a voice browser comprising: a dialog manager for effecting dialog control on the basis of output from the speech recognizer and pages served by the voice page server; and a text-to-speech converter operative to convert voice pages into voice output signals under the control of the dialog manager; the voice browser being operatively disposed between the voice page server and the session control arrangement (*the operation of IVR Unit in figure 1*).

Since Allinger and Scott et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Allinger by incorporating the teaching of Scott et al. in order to provide audible responses to assist users learning more about the exhibit that he/she is looking at.

21. Claims 7, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allinger (DE Patent No. 19747745) in view of England (US Patent No. 6144991).

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22. Regarding claims 7, 21, and 25, Allinger fails to specifically disclose that each user connected to the session hears voice input from all other such users and all voice output by the service. However, England teaches that each user connected to the session hears voice input from all other such users and all voice output by the service (*col. 5, ln. 1-67*).

Since Allinger and England are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Allinger by incorporating the teaching of England in order to other users to hear the voice of the person doing the talk.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Albuquerk et al. teach an interactive personal interpretive device that is considered pertinent to the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

April 21, 2005


SUSAN MCFADDEN
PRIMARY EXAMINER